REMARKS

Claims 1-4, 7-13, 16-21, 24-26, 29-31, 34-36, 39-41, 44-46 and 49-51 are now pending, with claims 1, 10, 49, 50 and 51 being in independent form. Claims 5, 6, 14, 15, 22, 23, 27, 28, 32, 33, 37, 38, 42, 43, 47 and 48 have been canceled. Claims 49-51 have been added. The amendments to claims 2-4, 7-9, 11-13, 16-21, 24-26, 29-31, 34-36, 39-41 and 44-46 clarify the wording of the claims, and are cosmetic in nature. Independent claim 1 has been amended to incorporate the subject matter of canceled claims 5 and 6. Independent claim 10 has been amended to incorporate the subject matter of canceled claims 14 and 15. Support for the amendment to claims 1 and 10 may be found, for example, in Fig. 1 and at pgs. 6 and 7 of the originally filed specification. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

The Abstract of the disclosure has been objected to based on certain informalities. In response to the objections, Applicant has provided a substitute Abstract that has been written in a manner that addresses each specific objection. Reconsideration and withdrawal of the objection to the Abstract are respectfully requested.

In the June 20, 2006 Office Action, independent claims 1 and 10, and dependent claim 2, 3, 5-9 and 11, 12 and 14-48 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. *Kitagawa* ("6,603,980"), while dependent claims 4 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over *Kitagawa*. For the following reasons, Applicant respectfully asserts that all claims of the present application are patentable over the cited references.

The claimed invention relates to a method and device for controlling a power used for transmitting data between a terminal device and a transceiver device of a communication system (see pg. 1, lines 5-10 of the originally filed specification). The method is implemented such that a decision is made whether a calculated power raise is greater than a sum of a calculated average power of data transmission and a predetermined level. If the determination is positive, the increase of the power is prohibited even if an increase is requested. On the other hand, if the determination is negative, an increase of the power used in the transmission is allowed when the increase is requested.

In contrast, *Kitigawa* relates to a transmission/reception apparatus and transmit power control method that combine trackability during fast fading or when a compressed mode is applied, along with stability during slow fading without reducing the efficiency of data

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transmissions (see col. 2, lines 35-39). *Kitigawa* (col. 2, lines 40-43) teaches that the apparatus and method allows the amplitude of a TPC bit to be set apart from other transmission signals.

The Office Action (pg. 4-5) states:

> Kitigawa discloses a method for controlling a power used for transmitting data between a terminal device (TD) and a transceiver device (BTS) of a communication system [See Abstract], said method comprising the steps of:
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> ...
>
> storing (S4) a predetermined number (w) of said specific information elements (TPC) **[Fig. 2, Accumulating section 113, col. 4, lines 24-33]**,
> calculating (S5, S6) a first value and a second value concerning the power of transmission during said predetermined number (w) of said specific information elements (TPC) **[Fig. 2, Determining section 110 calculates the increase/decrease power TPC bit and the amplitude of the TPC bit in the reception signal, col. 4, lines 15-23]**, and
> deciding (S7) by using the first value and the second value concerning the power calculated in said calculating step (S5, S6), whether the first value concerning the power is greater than a sum of the second value concerning the power and a predetermined level (L) **[the increase/decrease power TPC bit value is multiplied by the correction value, col. 4, lines 50-59; and offset value is added to the transmit power value, col. 11, lines 51-55...]**

With respect to the foregoing, *Kitigawa* fails to teach or suggest amended independent claim 1. *Kitigawa* (col. 4, lines 24-29) states, "accumulating section 113 obtains the symbol and amplitude ratio of the TPC bit of the reception signal from determining section 110. The symbol indicates an instruction for an increase or instruction for a decrease of transmit power and the amplitude ratio indicates an amount of the increase or decrease of transmit power." *Kitigawa* (col. 4, lines 29-33) teaches that the accumulating section 113 can obtain an amplitude control value to instruct transmission amplifier 104 to increase or decrease transmit power by an arbitrary amount of increase or decrease by combining these two conditions. *Kitigawa* (col. 4, lines 34-42) thus teaches that by making the amplitude of the TPC bit variable and using not only the symbol but also the amplitude as parameters, it is possible to perform not only control of a certain amount of increase or decrease of transmit power but also to finely control the increase or decrease of transmit power by an arbitrary amount.

However, *Kitigawa* fails to teach storing and processing of TPC bits values corresponding to a predetermined number of time units, as recited in amended independent claim 1. That is,

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Kitigawa fails to teach or suggest the step of storing a predetermined number of values of specific information elements of a plurality of subsequent time units, along with the subsequent calculating steps or the step of determining whether the calculated power raise is greater than a sum of the calculated average power of transmission and a predetermined level. Moreover, *Kitigawa* (col. 4, lines 12-14) teaches that the TPC bits are generated based on received quality of a transmitted signal.

Kitigawa (col. 5, lines 37-39) teaches that the positive/negative determining section 204 determines whether the subtraction result is positive or negative and sends the result to TPC bit generating section 109. *Kitigawa* (col. 5, lines 39-42) states that "this allows TPC bit generating section 109 to determine 0 or 1, that is, whether to instruct to increase or decrease transmit power and generate the bit". However, *Kitigawa* fails to teach or suggest that "an increase of the power used in the transmission is inhibited even if an increase is requested if the determination is positive or that an increase of the power used in the transmission is allowed when the increase is requested if the determination is negative," as recited in amended independent claim 1. In view of the foregoing, independent claims 1 is patentable over *Kitigawa*, reconsideration and withdrawal of the rejections under 35 U.S.C. §102 and §103 are in order, and a notice to that effect is earnestly solicited.

Independent claim 10 is a device claim associated with the implementation of independent method claim 1. Accordingly, independent claim 10 is also patentable over *Kitigawa*.

New independent claims 49, 50 and 51 are a base transceiver station, a terminal device and computer-readable medium that each correspond to independent claims 1 and 10. Therefore, these claims are patentable over *Kitigawa* for the same reasons with respect to independent claims 1 and 10.

In view of the patentability of independent claims 1, and 10, as well as new independent claims 49-51, for the reasons set forth above, dependent claims 2-4, 7-9, 11-13, 16-21, 24-26, 29-31, 34-36, 39-41 and 44-46 are all patentable over the prior art.